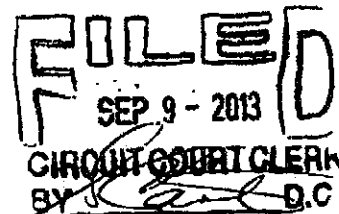


18  
⑤ In The Circuit Court of Shelby County, Tennessee  
30<sup>th</sup> Judicial District, At Memphis

Andre Dotson #12146457,  
Pro Se / Petitioner,

vs.



Shelby County Government, Shelby  
County Sheriff William Oldham, Chief  
Jailer Robert Moore, ARAMARK, Inc.,  
et al., in their official capacities,  
Defendants.

CT-003910-13  
Div. VII

## INJUNCTIVE RELIEF

COMES NOW, the petitioner Andre Dotson #12146457, by and through himself, pursuant to Religious Land Use and Institutionalized Persons Act (RLUIPA) and Religious Freedom Restoration Act (RFRA) and The First Amendment to the Constitution that protects the "free exercise" of religion, humbly petitions this Honorable Court to issue an "Injunctive Relief" pursuant to Tennessee Rules of Civil Procedure 65.01 to the defendants mandatorily directing them to provide the diet (Halal) that is sufficient to sustain him in good health and that is consistent with his religious scruples and the dietary laws of his religion.

The petitioner is filing this "Injunctive Relief" pursuant to Tennessee Code Annotated section 41-21-812 (b) that clearly states:

"A court may allow an inmate who has not paid any costs or expenses assessed against the inmate to file a claim for injunctive relief seeking to enjoin an act or failure to act that creates a substantial threat of irreparable injury or serious physical harm to the inmate"

Therefore, the filing of this injunctive relief is jurisdictional and procedural correct under this T.C.A. statute.

## HISTORY

On November 28, 2012 the petitioner was transferred from the Bartlett City jail to the Shelby County Justice Center (SCJC) to be held custody to defendant Sheriff William Oldham and to be cared for by defendant Chief Jailer Robert Moore. When the petitioner arrived and was intake been classified and medically screened, he informed them that he was a striving muslim who practice Islam as his religiously way of life. The medical personnel informed the petitioner that the medical department only medical prescribed diets and placed the petitioner on a 2800 low fat calorie diet, but informed the petitioner and that pursuant to the Shelby County Sheriff's Office Inmate Handbook, that was revised August 2011, religious diets may be subject to verification by the Chaplain and must be approved by the Assistant Chief of Programs or designee.

After been held in lower level until I could be housed accordingly to my security level, the petitioner was transferred to 4-E-19. Upon arriving in 4-E-19 and waiting for my pin number to be cleared on the kiosk machine where all prisoners has to put in their requests for the counselors, medical, and chaplains, the petitioner put in a request to Chaplain Muhammad, the Islamic volunteer Chaplain who intercedes between the muslim inmates and the administration, for him to put in a request for me to start receiving Halal meats as part of his diet for religious purposes. The petitioner also informed medical that because of his religious beliefs he is not consuming the meats he is been served on his trays and he was loseing weight rapidly and is always feeling physical down. Medical then issued an "Order" where the petitioner now receives a sack lunch at night, but the sack lunch has a sandwich in it with some meat on it that is impermissable for me to consume accordingly to my religious beliefs and an orange. The petitioner only eats the orange. Chaplain Muhammad responded to my request to inquire about my religious diet on the kiosk machine that Defendant Moore is working on it and then on or about January 5, 2013, Chaplain Muhammad told me personally that he had just had a meeting with Chief Moore and Chief Moore said "since this jail/Defendant Aramark Inc. serve only non-pork meats, then the petitioner, in essence, will have to eat the same as the other inmates". The petitioner

then wrote Shelby County Mayor Mark H. Luttrell, Jr, who is head of Defendant Shelby County Government, about not receiving the proper diet accordingly to his religious beliefs and Mayor Luttrell sent the letter to Defendant Sheriff Bill Oldham office stating that "All matters pertaining to the operations of the SCTJ fall under Defendant Oldham's jurisdiction". On or about January 28, 2013 the petitioner received legal mail from the Shelby County Sheriff's Office Legal Advisor, Debra L. Fessenden, that stated:

"I advised you in 2008, and I will reiterate now: you (the petitioner) will be treated in the same manner as all other inmates at the SCTJ". Please be advised that it is still the case that the grievance procedure is the proper mechanism to voice your complaints as to issues involving your confinement!"

(See Defendant Oldham File # 46546-13)

On February 1, 2013 I filed grievance # 345977 following the process that was given to me by Defendant Oldham's legal advisor Debra Fessenden and I was denied my first step by Defendant Moore stating in essence that "you will receive the same non-halal diet that everyone else gets in this jail". On Feb. 22, 2013 I appealed to the level 2 of the grievance appeal and this time I went into more detail explaining about the reason muslims are supposed to eat halal meats and gave them the ayats (verses) of the Quran where it could be found;

Holy Quran, surch (chapter 6), Ayats (verses) 117, 118 which clearly states in english translation: (117.) Lo! Thy Lord, He knoweth best who erreth from His way; and He knoweth best (who are) the rightly guided.

(118.) Eat of that over which the Name of Allah (God) hath been mentioned, if ye are believers in His revelations.

Surely Allah Speaks The TRUTH!

While awaiting the outcome of the 2nd step appeal of grievance # 345977 the petitioner filed a complaint ~~Aram~~ Defendant Aramark Manager Patricia Hart via "In house mail" and on March 26, 2013 the petitioner received a response that stated in part:

"Your food complaint will be forward to the Kitchen"

Defendant Aramark Inc. has a contract with Shelby County Government to provide a nutritionist balance meal to me and all prisoners alike, and to provide meals that are medically prescribed and religiously ordained or pre-approve by Defendant Moore. Defendant Aramark Inc. has been made aware by virtue of town hall meetings and complaint letters and has failed to act in their official capacity. Defendant Aramark is an entire separate entity from SCJ and its chain of command. (see copy of letter attached hereto).

On April 16, 2013 the petitioner received his final decision from grievance # 345977 against Defendant Moore for not providing him with his religious diet and the appeal was denied stating:

"Mr. Dotson, Per Chief Moore previous decision, he reviewed the situation and has stated the jail has a non-pork menu currently in place that we currently serve to all inmates. So therefore your request for a special meal is denied at this time."

The petitioner has exhausted all of his administrative remedies and has no choice, but to seek remedy from the courts. (see copy of grievance appeal response attached hereto).

### LAW and ARGUMENT

The Quran prohibits the consumption of alcohol, pork and pork by products (such as lard and gelatin). Therefore, practicing Muslims are very careful about the foods they consume and how it is prepared. Muslims follow certain standards deemed halal (permissible) which are usually referred to as zabiha (halal slaughter) in the preparation of meat and poultry. Muslim inmates should be provided a halal (permissible) diet of meat and poultry that when it was slaughtered the Name of God was mentioned over it (zabiha) before it was killed.

In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) which reinstated the "compelling interest/least

restrictive means " standard for the Religious Freedom Restoration Act (RFRA) for states and their agencies. Simply put, if state or local governments accept federal funds for their correctional programs, they must satisfy the compelling interest/least restrictive means standard to justify placing substantial burdens on prisoners' religious exercise, 42 U.S.C. § 2000cc-1. Virtually all agencies that run prisons or jails accept some federal funds, including the Shelby County Jail, so RLUIPA applies virtually to all prisons and jails. Cutter vs Wilkinson, 125 S.Ct. 2113 (2005). RFRA/RLUIPA provides for "appropriate relief" and it seems clear that injunctive relief is "appropriate" to end practices that are found illegal under the statutes, Smith vs. Allen, 502 F.3d 1255, 1269 (11th Cir. 2007), though there may be some special rules about injunctions under RLUIPA. The statute says;

"A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any means that eliminates the substantial burden. 42 U.S.C. § 2000cc-3(c).

In this instant claim, the petitioner have offered to provide his own halal meats that would be served with his tray and the defendants denied that. The petitioner believes that his prayers are not been answered because he is not consuming the religious decreed meats and his health is constantly decreasing for not receiving the nutrients and substance that meat provides to the body to keep everything functioning properly. An alternative of a vegetable diet is not acceptable because that is not what Allah (God) Decreed for His Last Messenger and Prophet, Muhammad (p.b.u.h.) to relay to His servants, me and muslims alike.

Wherefore PREMISES CONSIDERED, the petitioner request that a temporary injunction be issued, pursuant to ~~THE~~ T.W.R.Civ.P. 65.04, to the defendants for them to provide halal meat, fish, and

double portions of vegetables while this action is pending so that the petitioner rights to practice his beliefs/religion without hinderance or interference or the petitioner will continue to suffer irreparable loss, injuries, and damages.

May 14, 2013

Andre Watson  
Andre Dotson #12146457

CERTIFICATE OF SERVICE

I, Andre Dotson, do hereby certify that a copy of the foregoing Injunctive Relief was served upon the following:

Shelby County Sheriff Bill Oldham  
201 Poplar Avenue  
Memphis, TN. 38103

and

Shelby County Justice Center  
Chief Jailer Robert Moore  
201 Poplar Avenue  
Memphis, TN. 38103

and

Aromark Inc. Operational/Manager  
Patricia Hart  
201 Poplar Avenue  
Memphis, TN. 38103

VIA In House Mail on this 15<sup>th</sup> day of May, 2013

Andre Watson  
Andre Dotson #12146457





# Shelby County Government

**MARK H. LUTTRELL, JR.**  
MAYOR

**February 19, 2013**

**Inmate Andre Dotson  
Inmate #12146457  
Shelby County Jail  
201 Poplar Avenue  
Memphis, Tennessee 38103**

**Dear Mr. Dotson,**

**I received your recent letter. After reading your comments, your letter was sent to Shelby County Sheriff Bill Oldham for investigation.**

**All matters pertaining to the operations of the Shelby County Jail fall under Sheriff Oldham's jurisdiction.**

**Continue to discuss any immediate issues with your counselor at the jail so they can be addressed as soon as possible. Thank you for this opportunity to be of assistance.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Mark H. Luttrell, Jr.", is written over a horizontal line.

**Mark H. Luttrell,  
Mayor**

**CC Shelby County Sheriff Bill Oldham**



# Memorandum

**To:** Andre Dotson, BK#12146457 1/C  
**From:** Patricia Hart, Operations Manager/ARAMARK  
**Date:** March 26, 2013  
**Subject:** Inmate Complaint/Mail

---

Mr. Dotson, you wrote "certify" on your 8X10 envelope. The cost of those envelopes starts at \$6.00 and goes up according to weight. If you write certify on your mail, the mailroom will not call the pods to verify; the cost of that mail will be deducted from your account. A copy of your account is included. Your food complaint will be forward to the kitchen.



CELEBRATING OVER **30** YEARS  
OF SERVICE TO PUBLIC SAFETY



SHELBY COUNTY SHERIFF'S OFFICE

JAIL DIVISION MANUAL

SHELBY COUNTY SHERIFF'S OFFICE  
INMATE GRIEVANCE FORM

INMATE'S NAME: (Print name)		R&I NUMBER	GRIEVANCE #
1214415 Andie Detson		10418	345977
RESPONSE TO GRIEVANCE:		HOUSING UNIT	DATE FILED
		1-C-11	2/7/13
RESPONSE STAFF'S SIGNATURE: <u>W. G. H. #502</u> <u>2/22/13</u>			
AGREE WITH RESPONSE:	INMATE'S SIGNATURE:	DATE:	
APPEAL TO LEVEL 2: <input checked="" type="checkbox"/>	INMATE'S SIGNATURE: <u>Andie Detson</u>	DATE: <u>2-22-2013</u>	
REASON FOR APPEAL: <u>One of the tenets of Islam is that we only eat Kasher/Halal (Permissible) meat. The meat from the animal (chicken, beef, goat, lamb) is killed in the Name of God when it is slaughtered and that what makes the meat Halal. In the Quran Surah 6 Ayat 117, 118 it tells us to only eat what His Name has been mentioned over. Therefore, pursuant to the Religious Restoration Act I have the right to practice my religion and obey its tenets as long as it does not interfere with the running of this institution, and a halal diet will not interfere with the running of this institution. Because of Chief Moore's ignorance, and lack of understanding of my beliefs, I am being forced to either eat the impermissible meat or have no food. I am a Muslim prisoner, vegetable, but that is causing me to lose weight and have other health issues and to have doubts that my prayers are not being answered. This is interfering with my rights to practice my religion as I believe. (Call Masjid Salim at (901) 665-5406 and the Muslims who you talk to will give you more detail on this subject).</u>			
LEVEL 2 RESPONSE:	APPEAL UPHELD	APPEAL DENIED	
AGREE WITH RESPONSE:			
APPEAL TO LEVEL 3:	INMATE'S SIGNATURE:	DATE:	
REASON FOR APPEAL: <input checked="" type="checkbox"/>			
LEVEL 3 RESPONSE:			
APPEAL UPHELD <input checked="" type="checkbox"/> APPEAL DENIED <input checked="" type="checkbox"/>			
<u>Mr. Detson per Chief Moore's previous decision he reviewed the situation and has stated the Jail has a NON-POK menu currently in place, that we currently serve to all inmates. So therefore, your request for a special meal is denied at this time.</u>			
ASSISTANT CHIEF'S SIGNATURE: <u>AB</u>		DATE: <u>4/16/13</u>	

G-51084

SHELBY COUNTY SHERIFF'S OFFICE

JAIL DIVISION MANUAL

SHELBY COUNTY SHERIFF'S OFFICE  
INMATE GRIEVANCE FORM

INMATE'S NAME (Print name)	R&I NUMBER	GRIEVANCE #
Andie Nelson	104118	345771
	HOUSING UNIT	DATE FILED
	1-C-11	2/11/13

RESPONSE TO GRIEVANCE:

7 CUGS TO 9 DANK  
300 CATTAL OF FIRM

RESPONSE STAFF'S SIGNATURE:

L. W. GIBBS JR. 2/22/13

AGREE WITH RESPONSE:

INMATE'S SIGNATURE:

DATE:

APPEAL TO LEVEL 2:

INMATE'S SIGNATURE:

DATE: 2-22-2013

REASON FOR APPEAL:

One of the tenets of Islam is that we only eat kosher/halal (permissible) meat. The mosque even has a animal (chicken, beef, goat, lamb) is killed in the Name of Allah. When it is slaughtered, that is what makes the meat halal. In the Quran, Surah 6:117, it says that the first Muslims to only eat what this Name has been mentioned over. Therefore, permission to be the religious accommodations that I have the right to practice my religion and about it's points as long as it doesn't interfere with the running of this institution, and a hotel clerk will not interfere with the running of this institution. Because of Chief Moore's overreaction, I am not able to have a hearing to either end the religious accommodation or to have a hearing to have a hearing that your prayers are not heard. I am not interfering with my rights to practice my religion as I do before. (Call Moore's Section 504 (901) 665-5906 and the Muslim who you talk to will give you more details on this subject).

GRIEVANCE COORDINATOR SUPERVISOR SIGNATURE:

AGREE WITH RESPONSE:

INMATE'S SIGNATURE:

DATE:

APPEAL TO LEVEL 3:

INMATE'S SIGNATURE:

DATE:

REASON FOR APPEAL:

LEVEL 3 RESPONSE:

APPEAL UPHELD:

APPEAL DENIED

Mr. Nelson per Chief Moore's previous decision he renewed the situation. Mr. Hab stated the Jail has a NON-PORK menu currently in place. That we currently serve to all inmates. So therefore your request for a special meal is denied at this time.

ASSISTANT CHIEF'S SIGNATURE:

L. B. O. O. O.

DATE: 4/16/13